

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 12,648

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Appeal of)

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INTRODUCTION

The petitioner appeals the Department's decision terminating his ANFC benefits. The issue is whether the value of a car owned by the petitioner placed the petitioner in excess of the ANFC resource maximum.

FINDINGS OF FACT

Prior to February, 1994, the petitioner received ANFC for himself and his family. Included in the Department's computation of the petitioner's resources was a 1976 Mercedes Benz that the petitioner had purchased two years previously for \$2,200.00. In January, 1994, the Department learned that the petitioner's daughter had recently purchased a 1985 Subaru for \$750.00. The Department terminated the petitioner's ANFC grant effective February 1, 1994, because of its determination that the combined value of the cars was in excess of the program maximum. ⁽¹⁾

At the hearing in this matter, held on March 4, 1994, the petitioner argued that the value of the Mercedes had declined significantly since he bought it. The Department agreed to continue the matter to allow the petitioner to obtain written estimates of the car's present value.

The petitioner subsequently obtained two estimates. The first, dated March 4, 1994 stated:

Because of condition of floor pan, value of car is worth possibly several hundred dollars for parts only.

The second estimate, dated March 9, 1994, was as follows:

Vehicle valued at approximately \$500.00 for parts or major restoration project. Body rust, high miles, inspection expiration in August 1994.

After receiving both estimates the petitioner's caseworker called the garage that had provided the first

estimate, and was told that that the car was probably worth \$200.00.

Based on the above information the Department agreed to reinstate the petitioner's ANFC grant as of March 10, 1994. The issue in this case is the "closed period" from February 1st through March 9, 1994, during which the petitioner's ANFC grant was terminated. At a hearing held on April 4, 1994, the Department offered no explanation for its refusal to give retroactive application (of a little over one month) to the above estimates other than to state it was "leaving that decision to the Board".

It appears obvious to the hearing officer that the value of the petitioner's car in February could not have been much more than it was in March, when the above estimates were obtained. Therefore it is found that the petitioner's resources during the period in question were not in excess of the ANFC maximum.

ORDER

The Department's decision is reversed.

REASONS

The ANFC resource standards regarding motor vehicles set forth above (see footnote 1) are not in dispute in this matter. The case involves simply a factual determination as to what the petitioner's car was worth during the period in question. In light of the Department's prospective acceptance of the above estimates, and the lack of any evidence (or allegation) that they should not be determinative of the car's value during the previous month, the Department's position in this matter is simply inexplicable.

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1. The resource limitation for ANFC is \$1,000.00. W.A.M. § 2261. \$1,500.00 of the equity value of one vehicle is excluded. W.A.M. § 2263.6. In the petitioner's case this left \$700.00 as the countable value of the Mercedes (\$2,200.00 less \$1,500.00) and \$750.00 as the value of the Subaru--a total of \$1,450.00.